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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 HA-05 BIB-01 PM-05 H-01
INR-10 L-03 PA-01 SP-02 SS-15 /056 W
----------110456 161002Z /20
O 160830Z MAY 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 1719
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMCONSUL LENINGRAD
AMEMBASSY LONDON
AMCONSUL MUNICH
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
USMISSION USNATO
AMEMBASSY WARSAW

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 10751

E.O. 11652: GDS
TAGS: SHUM, CSCE, PINT, UR
SUBJECT: ORLOV TRIAL, THE FIRST DAY

REF: MOSCOW 10688

SUMMARY: THIS CABLE REPORTS THE SUBSTANCE OF THE TRIAL'S FIRST DAY (AS GIVEN BY MRS. ORLOV FROM MEMORY; SHE WAS NOT ALLOWED TO TAKE NOTES), THE ATMOSPHERE OF THE TRIAL THUS FAR, AND THE SCENE OUTSIDE THE COURTROOM DURING THE FIRST DAY. IN BRIEF, THE FIRST DAY OF THE TRIAL ITSELF WAS TAKEN UP WITH READING THE LENGTHY ACCUSATION AND QUESTIONING OF ORLOV REGARDING IT. THE CHIEF JUDGE
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FREQUENTLY INTERRUPTED ORLOV; THE PROSECUTOR SEEMED NERVOUS; THE SMALL COURTROOM WAS FILLED WITH KGB PLAIN-CLOTHESMEN AND PENSIONERS. AN INITIAL CROWD OF SOME 150 RELATIVES, FRIENDS, AND JOURNALISTS STOOD VIGIL JUST OUTSIDE THE COURTHOUSE, BUT DWINDLED TO ABOUT 20 BY MID-AFTERNOON. ASIDE FROM THE OFFICIAL PARTICIPANTS AND THE SEMI-OFFICIAL SPECTATORS, ONLY MRS. ORLOV AND ORLOV'S

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TWO SONS (BY HIS FIRST MARRIAGE) ERE ADMITTED INTO THE COURTHOUSE. THE REPORTING OFFICER (FIRST SECRETARY RICHAR COMBS) WAS THE ONLY DIPLOMAT PRESENT. END SUMMARY.
1. SUBSTANCE OF THE FIRST DAY'S PROCEEDINGS. AS REPORTED REFTEL, MRS. ORLOV BRIEFED HER FRIENDS AT THE COURTHOUSE DURING THE FIRST RECESS AROUND 11:00 A.M. MAY 15. SHE WAS NOT PERMITTED TO LEAVE THE BUILDING AGAIN UNTIL THE END OF THE FIRST DAY'S PROCEEDINGS, AT ABOUT 5:30 P.M., WHEN SHE PROVIDED ANOTHER BRIEFING. MRS. ORLOV WAS NOT ALLOWED TO TAKE NOTES AND OF COURSE WAS EXCITED OVER SEEING HER HUSBAND AND OVER THE TRIAL. THERE WAS CONFUSION AS FRIENDS AND JOURNALISTS SHOUTED QUESTIONS TO HER DURING HER TWO BRIEFINGS. THUS HER ACCOUNT WAS DISJOINTED AND SOMETIMES UNCLEAR. WITH THESE CAVEATS, THE REPORTING OFFICER UNDERSTOOD HER TO SAY THE FOLLOWING:

--YURIY ORLOV APPEARED WELL AND IN FULL COMMAND OF HIMSELF; ALTHOUGH MRS. ORLOV WAS NOT ALLOWED TO SPEAK TO HIM, HE SIGNALED HER TO REMAIN CALM AND TO SHOW NO EMOTION;

--EARLY IN THE PROCEEDINGS ORLOV REQUESTED THAT HIS BRITISH ATTORNEY MCDONALD BE ALLOWED TO DEFEND HIM; THE JUDGE REFUSED THIS AND VIRTUALLY ALL OR ORLOV'S OTHER REQUESTS; IN PARTICULAR, ORLOV REQUESTED WITHOUT SUCCESS THAT A NUMBER OF DEFENSE WITNESSES (INCLUDING PROMINENT CONFIDENTIAL

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REFUSENIK VLADIMIR SLEPAK) BE SUMMONED;

--THE PROSECUTOR CAREFULLY AVOIDED MENTION OF CSCE OR THE PHRASE "HELSINKI GROUP", AND SEVERAL TIMES NOTED POINTEDLY THAT SOVIET LAW DOES NOT CONTRADICT INTERNATIONAL DOCUMENTS SIGNED BY THE USSR; HE VIRTUALLY ALWAYS REFERRED TO HELSINKI GROUP DOCUMENTS AND OTHER WRITINGS BY ORLOV AS "SLANDEROUS, AND ANTI-SOVIET";

--OF THE VARIOUS HELSINKI GROUP MEMBERS, THE PROSECUTOR MENTIONED ONLY DRLOV, GINZBURG AND SHCHARANSKIY BY NAME;
--ORLOV WAS SPECIFICALLY CHARGED WITH ANTI-SOVIET AGITATION AND PROPAGANDA, WITH HOSTILITY TOWARD THE SOVIET SYSTEM AND WITH ATTEMPTING TO UNDERMINE THE SYSTEM' FOUNDATIONS; ORLOV REPORTEDLY RESPONDED THAT HE WAS NOT HOSTILE BUT WAS CRITICAL OF THE SOVIET SYSTEM; HE SAID HE WAS NOT GUILTY OF VIOLATING SOVIET LAW AND DID NOT UNDER-STAND THE NATURE OF THE CHARGES AGAINST HIM; HE SAID HE WAS FOR FREEDOM OF INFORMATION, AND THAT THE SOVIET UNION WAS OBLIGATED BY ITS INTERNATIONAL UNDERTAKINGS TO OBSERVE THIS FREEDOM;
--AS REPORTED REFTEL, ORLOV WAS SPECIFICALLY CHARGED WITH

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PROVIDING SLANDEROUS INFORMATION TO WESTERN JOURNALISTS
AND EMBASSIES, AND OF RECEIVING MONEY "FROM THE WEST" FOR
SUCH INFORMATION;
--BULK OF DAY WAS TAKEN UP BY THE PROSECUTOR'S QUESTION-
ING ORLOV ABOUT VARIOUS FACETS OF THE ACCUSATION; ORLOV
REPORTEDLY SAID THAT AS CHAIRMAN OF THE HELSINKI MONITORIN
GROUP, HE TOOK FULL RESPONSIBILITY FOR THE GROUP'S DOCU-
MENTS; ORLOV STEADFASTLY REFUSED TO NAME OTHER GROUP
MEMBERS OR ANYONE ELSE CONNECTED WITH HIS ACTIVITIES;
--THE TRIAL RESUME AT TEN A.M. TUESDAY, MAY 16, WITH THE

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C O N F I D E N T I A L SECTION 02 OF 02 MOSCOW 10751

CALLING OF THE FIRST PROSECUTION WITNESS; SINCE THERE
ARE SOME 15 PROSECUTION WITNESSES, MRS. ORLOV EXPECTS
THAT THE TRIAL WILL RUN TWO OR THREE MORE DAYS.
2. THE ATMOSPHERE INSIDE. ACCORDING TO MRS. ORLOV, AS OF
TEN A.M. MONDAY MORNING THE SMALL COURTOOM WAS FILLED BY
KGB PLAINCLOTHESMEN, SOME OF WHOM SHE RECOGNIZED FROM
EARLIER ENCOUNTERS, AND BY PENSIONERS. THE PRESIDING
JUDGE REPORTEDLY WAS STRICT WITH ORLOV, CUTTING HIM OFF
FREQUENTLY ON GROUNDS ORLOV WAS NOT GIVING A "CONCRETE

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ANSWER" TO THE PROSECUTOR'S QUESTION. SHE FELT THE
PROSECUTOR WAS NERVOUS, PROBABLY BECAUSE OF THE POLITICAL
SIGNIFICANCE OF THE TRIAL. SHE AND HER TWO STEP-SONS
WERE TREATED REASONABLY WELL UNTIL THE AUTHORITIES
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DISCOVERED THAT EACH SON WAS CARRYING A SMALL TAPE RECORDE
THE RECORDERS WERE TAKEN FROM THEIR RESPECTIVE OWNERS WITH
PHYSICAL ROUGHNESS, ACCORDING TO MRS. ORLOV. SHE WAS
THREATENED WITH EJECTION FROM THE ROOM IF SHE TOOK WRITTEN
NOTES (WE UNDERSTAND THIS IS A STANDARD PROHIBITION
IN SUCH TRIALS).
3. THE SCENE OUTSIDE. THE COURTHOUSE, THE SAME ONE IN
WHICH TVERDOKHLEBOV WAS TRIED TWO YEARS AGO, IS LOCATED
ON A SMALL, ISOLATED ROAD BETWEEN SEVERAL SETS OF RR
TRACKS (IN FRONT) AND A LARGE MILITARY BARRACKS (IMMEDIATE
LY BEHIND THE COURT). THE PLACE APPARENTLY IS FAVORED
BY THE AUTHORITIES BECAUSE IT IS VERY DIFFICULT TO FIND,
AND ACCESS TO IT IS EASILY CONTROLLED. WHEN EMBASSY
OFFICER ARRIVED, SHORTLY AFTER EIGHT A.M. MONDAY MORNING,
ONLY ONE FRIEND OF ORLOV WAS PRESENT, DWARFED BY A FORCE
OF 15-20 KGB PLAINCLOTHESMEN WITH "DRUZHINIKI"
(AUXILIARY MILITIA) RED ARMBANDS. ABOUT 8:30 A.M. SOME
15 UNIFORMED MILITIA ARRIVED BY BUS.
4. AT ABOUT 9:30 A.M. EMBASSY OFFICER, ALONG WITH SEVERAL
WESTERN CORRESPONDENTS AND FRIENDS OF ORLOV WHO HAD
ARRIVED IN THE MEANWHILE, WAS ALLOWED INTO THE VESTIBULE
OF THE COURTHOUSE, WHILE "A DETERMINATION " WAS ALLEGED-
LY MADE REGARDING ATTENDANCE. AFTER TEN MINUTES OR SO,
THE MILITIA ASKED THEM TO LEAVE. ALL DID SO PEACEFULLY
EXCEPT ONE YOUNG MAN OF ABOUT 16, WHO REFUSED TO GO AND WA
PULLED AND SHOVED OUT BY THE MILITIA.
5. BY THIS TIME, METAL BARRICADES HAD BEEN PLACED ACROSS
THE ENTRANCE FROM THE STREET, AND ACCESS TO THE VICINITY
OF THE BUILDING WAS CAREFULLY CONTROLLED, ALTHOUGH FORCE
WAS NOT USED. MRS. ORLOV ARRIVED AROUND TEN A.M. AND,
AFTER ESTABLISHING HER IDENTITY, WAS ADMITTED WITHOUT
DIFFICULTY. OTHERS, INCLUDING EMBASSY OFFICER, WERE
DENIED ENTRANCE ON GROUNDS THAT ALL SEATS IN THE COURTROOM
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WERE FILLED (EMBASSY OFFICER'S OTHER ATTEMPTS TO GAIN
ADMITTANCE ARE OUTLINED REFTEL). BY THIS TIME SOME 150
OF ORLOV'S FRIENDS, COLLEAGUES, AND FOREIGN JOURNALISTS
HAD GATHERED JUST IN FRONT OF THE BUILDING, INSIDE THE
BARRICADES. EMBASSY OFFICER WAS THE ONLY DIPLOMAT PRESENT

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THE CROWD WAS NOT HARASSED BY THE LARGE SECURITY FORCE ON HAND; THE MILITIA/KGB ORDER OF THE DAY OBVIOUSLY CALLED FOR POLITENESS WHENEVER POSSIBLE.

6. SAKHAROV ARRIVED ABOUT TEN A.M. AND TWICE SOUGHT TO GAIN ADMITTANCE, WITHOUT SUCCESS. SAKHAROV LEFT BEFORE NOON AND PROCEEDED TO THIS EMBASSY (SEPTEL). OTHER PROMINENT ACTIVISTS ON HAND INCLUDED HELSINKI GROUP MEMBERS MALIVA LANDA AND VLADIMIR SLEPAK, LEONID SHCHARANSKIY (ANATOLIY'S BROTHER), DISSIDENT WRITERS VOINOVICH AND KORNILOV, AND MRS. GINZBURG. TOON

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